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EU Proposal Harmonizes All Pesticide Maximum Residue Levels 2003

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Report Highlights:

A new EU proposal was released that will harmonize all pesticide maximum residue levels and import tolerances at EU level. It will remove the trade problems stemming from the current situation whereby Member States can set their own national MRL's in the absence of Community MRL's. Of immediate concern to U.S. exporters, however, is the potential loss in 2004 of MRL's/import tolerances as a result of the EU ban of around 460 plant protection substances.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Brussels USEU [BE2], E2

New Commission Proposal on Maximum Residue Levels

The Commission proposed a regulation harmonizing the maximum residue levels of pesticides in food and feed products. The full text of the proposal (61 pages) is available from:
http://europa.eu.int/eur-lex/en/com/pdf/2003/com2003_0117en01.pdf.

This regulation will simplify and consolidate the existing legislation in this area. The proposed regulation foresees that all MRL's, including import tolerances, will apply EU wide, removing the trade problems that were the result of the current situation whereby Member States can set their own national MRL's in the absence of Community MRL's.

The Commission will be responsible for the risk management by making decisions on the MRL/import tolerance levels, based on the opinion of the European Food Safety Agency (EFSA) according to a procedure set out in the regulation. Under this procedure, EFSA shall give a reasoned opinion within twelve months after receipt of the application for substances that have not yet been evaluated at Community level.

Currently harmonized EU MRL's exist for a number of commodity/product combinations. They are spread over three basic directives (cereals, other plant origin products and animal origin products). All of these MRL's will be included in the new regulation as fixed MRL's. A database containing these MRL's is available from the web at
http://europa.eu.int/comm/food/fs/ph_ps/pest/index_en.htm.

Non-harmonized MRL's that are currently in force in the Member States will be included in the new regulation as temporary MRL's. This could be one of the first tasks of the - currently not yet fully operational - European Food Safety Agency. After evaluation of the substance under the review program, these temporary MRL's will either become fixed MRL's or be deleted.

The new proposal has to go through the co-decision process with the Council and the Parliament, implying that it will not go into force before 2005.

Ongoing Review of Plant Protection Products

For the immediate future, the changes brought about by the ongoing Commission review of plant protection products on the EU market according to the rules set out in Directive 91/414/EEC, is of more importance for U.S. exporters. As part of the Commission review of the plant protection products used in EU countries, around 460 substances will be withdrawn from the EU market in the course of 2003. Some of these substances may continue to be authorized in the U.S.

The Commission will notify later this year the list of the substances banned in EU agriculture with their corresponding EU or Member State MRL's. All of these MRL's will be reduced to the level of determination (e.g. the limit below which residues cannot be detected using suitable methods in accredited laboratories) unless data are provided to justify an import tolerance for these substances. These data could be generated by interested U.S. industries, including growers. A guide on the data requirements for establishing import tolerances is available from the Commission's website at http://europa.eu.int/comm/food/fs/ph_ps/pest/min_data_en.pdf.

U.S. industries should review the list of substances that will be banned in the EU and identify the

plant protection products that will continue to be allowed in the U.S. A definitive list of 320 substances that will be withdrawn from the EU market in July 2003 has been published in the Official Journal

(http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_319/l_31920021123en00030011). The status of all products that are under Commission review is updated regularly at the Commission's website at http://europa.eu.int/comm/food/fs/ph_ps/pro/eva/existing/exis02b_en.pdf

Visit our website: our website www.useu.be/agri/usda.html provides a broad range of useful information on EU import rules and food laws and allows easy access to USEU reports, trade information and other practical information. More information on pesticides can be found on our website <http://www.useu.be/agri/pesticides.html>. E-mail: AgUSEUBrussels@fas.usda.gov

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